FAMILY INSTITUTION IN NIGERIA AND CHINA

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ABSTRACT

The family is the basic social institution from which other social institutions have developed. It is an institution ordained by God, accepted and practiced in several cultures across the globe and also provided for by law. It is undoubtedly the nucleus of the society and the world. Most people in the world belong to one family or the other. There are also different types of family. The family as an institution is largely influenced by the religious and cultural practices of specific peoples of the world.This paper attempts to look at the family as an institution in some detail, in Nigeria and China. It tries to highlight their similarities and differences if any, and also draw some comparisons from the two countries.The data and materials utilized are sourced from law texts, journals, and Internet resources. Hence, the qualitative method of research is adopted in this paper.[1]

The paper discusses the family as a social institution, the major types of families in the two countries, their respective contemporary family traditions, the sizes of families in the two countries and the similarities in the family set up in Nigeria and China.

[1] The Concept of Research, Research Methodology, and the Significance of Legal Research – A Seminar Paper

Presented by O.L. Oke, to the Postgraduate School, Olabisi Onabanjo University, Ago-Iwoye.

INTRODUCTION

The Topic: "Family Institution in Nigeria and China" can best be appreciated and digested by attempting a definition of the basic words that form the basis of this effort. The words that needs some elucidation in this paper are the words "Family," "Institution", "Nigeria" and "China". It is pertinent to state at this point that for many words, terms and concepts, there is hardly any universally acceptable definition. Nevertheless, the following definitions will be adopted for the purpose of this paper:

The word "Family means "A group of persons connected by blood, by affinity, or by law, especially within two or three generations."[2] The Oxford English Mini Dictionary[3] According to Green,[4] a family is a group of closely related people known by a common name and consisting usually of a man and his wife or wives and children, his son's wives and children his brothers and half brothers and wives and children and probably other near relatives. The Black Law Dictionary[5] defines "institution" as an established organization, especially one of a public character. On its part, the Oxford Mini Dictionary[6] defines it as "an established rule or custom". Nigeria is a Federal Republic situate on the West Africa Gulf of Guinea. It is the world's 8th largest oil producer[7]. It has a population of 190.9 million people.[8] This makes her the most populous country in Africa[9]. China, which is

[2] Black's Law Dictionary, 9th edition, by Bryan A. Garner West Publishing Co. (2009) pg. 679.
[3] 5th edition by Lucinda country and Martin Nixon, Oxford University Press pg. 181.
[4] Land Tenure in an Ibo Vilage, Land Humphries, London (1941) p. 2-3
[5] Ibid. pg. 869
[6] Ibid. Pg. 266
[7] https//books.google.co.in. "A history of Nigeria" by Toyin Falola, Mathew in M. Heaton Cambridge University Press, 2008.
[8] Ibid.
[9] www.wordatlas.com with 181,563,000 people.www.worldmeters.info-200,962,147 people

officially named the People's Republic of China, is a country in East Asia. It is the world's most populous country, with a population of about 1.404 billion people.[10]

THE FAMILY AS A SOCIAL INSTITUTION

According to Owlgen.[11] The family is a major social institution. This is because everybody in a family is related either by blood, marriage or by adoption. The family as an institution is grounded in emotions and sentiments. It also has the major responsibility of forming a society. The concept of family is observed in all human group. The family institution plays a very important role in giving stability to society.[12]

The primary function of the family is to ensure the continuation of society, both biologically, through procreation, and socially through socialization.[13] The family is also regarded as the backbone of society. Building it is the oldest social system and the most enduring.[14] In Essien v. Etukodo, the Court of Appeal defined a nuclear family as one which consists of the man, his wife or wives and his putative children, born to him by such wife or wives.[15]

TYPES OF FAMILY IN NIGERIA

Under Nigerian law, the concept of family is closely linked to marriage and does not admit cohabitation which has not yet been given legal effect. In Nigeria, there are two major types of family. They are: the nuclear family which consists of a man, his wife, and their married children. The second type is the extended family, which is usually made up of a series of nuclear families and other relations. The 9th

[10] www.link.springer.com visited on 13/5/2019.
[11] www.owlgen.com visited on 13/5/2019
[12] www.selfgrowth.com visited on 13/5/2019.
[13] https://courses.humanlearning.com visited on 19/5/2019
[14] www.fayoum.edu.ng visited on 19/5/2019

[15] (2008)LPELR 3625(CA) Per Omokri JCA (P. 23, Paras. C-D)

edition of Blacks Law Dictionary was cited by the Court of Appeal in Chukwu v, Okoh[16] (Per Tukur JCA) "extended family" was defined as – the immediate family together with collateral relatives and close family friends. According to Nwogugu, extended family is a corporate body and may be said to process legal personality. It may own and hold property, sue and be sued in his name, and be responsible for the authorized acts or that of its agent. For example the family head may act as an agent of the family.[17]

TYPES OF FAMILY IN CHINA

According to the United Nations University website,[18] Families in China are currently categorized into four types, according to their structure:

1. Nuclear families, or small families, consisting either of a married couple (or a divorced or widowed parent) with unmarried children or of a married couple without children.
2. Lineal families, consisting of two or more generations with each generation composed of one married couple (or a divorced person, widow or widower),
3. Joint families, consisting of two or more married couples (or divorced persons, widows, or widowers) of the same generation.
4. Other types, including single-person families or families consisting of siblings, relatives, and / or friends.

[16] (2016) LPELR 42117 (C.A)
[17] "Family law in Nigeria"– third edition by E.I. Nwogugu, P.1
[18] http://unu.edu visited on 19/5/19

FAMILY LIFE IN NIGERIA AND CHINA

Nigeria families are patriarchal, with extended family members having more say than usual in comparison to family setups in the westernized world. Family relationships in Nigeria are mostly guided by a strict system of seniority and male tended egoistic values. Emphasis has always been placed on male members of the family more, because of their rights to both family inheritance and extension of family lineage and name. most of these societal norms cut across the nation, irrespective of age, educational achievement, religion, marital status, etc.[19] In Nigeria, the family is extremely important. The Nigerian families are not the epitome of indestructible knit, but there still exist, that obvious and palpable strong family bond, which is mostly described by the popular saying "blood is thicker than water." This is further strengthened by strong societal traditional norms.

In an ideal Chinese home, three generations (grand parents, parents and children) of the same family lived under one roof. Families imbibed and emulate strict rules of behaviour, and shared natural affection and respect.[20] The head of the household was the grandfather or eldest male. Once he kicks the bucket, the children divided the household and made their own homes. But even if living separately, the eldest son had the obligation to cater for the welfare of his parents and other family members. Families abide by a strict rules of behaviour, laced with an high dose of mutual reverence and affection. A single woman was taught to obey her father, and when she gets married, to obey her husband and new parents-in-law. Affluent families have maids and aides, who lived with the family and help with everyday tasks.[21]

[19] "The family lifestyle in Nigeria" a paper by Morire Oreoluwapo Labeodan. School of Statistics and Actuarial Science, University of Withwatersand, Johannesbourg, South Africa.
[20] Ibid, pg. 5
[21] Ibid.

Throughout history, family has been considered to be the base of Chinese society. Though westernization is creeping in, the traditional family structure and values still hold its place of pride. The elderly are respected and honored, while the young children are the focus of the family.[22]

FAMILY TRADITIONS IN NIGERIA AND CHINA

NIGERIA

Nigerian families have a number of practices, which are similar to those from other climes. With her over 250 ethnic groups, Nigeria has very diverse traditions and cultural practices.[23] Here are some family traditions common to most of Nigeria's ethnic groups:-

1. Three Weddings - for every couple. First comes the introduction ceremony (or family introduction). This is where the intending couple, meet at the bride's parents house, with just a few of their respective relations and friends. A formal proposal is made and once the bride's family accept same, the two families exchange gifts.[24]

The traditional wedding is next. It includes flogging, bride price, wine carrying, prostrations, etc, depending on the specific tribe(s) in question.[25] The last stage includes the marriage at the registry popular reffered to as "court wedding", Muslim or Christian weddings.[26] Most would be Nigerian couples also get wedded at the registry and their respective religious houses. Interestingly, all the three weddings involve food and drinks.[27]

[22] www.en.people.com visited on 19/5/2019.
[23] www.pulse.ng visited on 22/5/2019.
[24] N. 23
[25] N. 23
[26] ibid
[27] ibid

2) **Child Dedication**

This is not the same as the naming ceremony. The practice cuts across various faiths. Its essence is to thank God (or god) for the baby and also present him/her as a loyal servant.[28]

3) **Child Care**

Whenever the bride delivers a baby, her mother or mother-in-law come visiting. Her role at this point includes the care of the recuperating mother, the preparation of meals and other domestic chores.

4. **Greeting Elders**

The mode of this vary from tribe to tribe. But generally, Nigerians greet their elders either by kneeling for females or prostrating, bowing or squatting to the ground for males.

CHINA

Just like most Asian cultures, the elders in the family are revered for their wisdom. This is founded in Confucianism. This also includes the virtues of filial piety, devotion and mutual respect.[29]

The traditional Chinese family was a Patrilineal[30] Patriarchal [31] prescriptively virilocal [32] kingship group, who share a common household budget and normatively

[28] ibid
[29] https//family.levetoknow.com
[30] Based on descent through the male line – www.worker.edu visited on 22/5/2019
[31] A system where the head of the family exercise authority over all its generations ibid
[32] Living with or located near the husband's family or tribe – www.collingsdictionary.com

extended in form. No two members of a Chinese family are equal in authority.[33] In this communal atmosphere, the family shared property and income. confucianism put special emphasis on filial piety, which was believed to preserve harmony and keep families together. Embedded in the concept of filial piety is the worship of ancestors which is a central tradition for the Chinese family.[34] Traditional Chinese worship their ancestors instead of God.[35].

Family has long being a key component within Chinese society, and many aspects of Chinese life can be linked to showing reverence to one's parents and ancestors. As a matter of fact, most of the "five relationships" propounded by Confucious,[36] were directly focused on the family. Hence, it was very rampant among the Chinese, even where fully grown with their children, to live in or close to their hometown.

They also have most if not all their living generations of a family living under the same roof. Even if they go into business far away from home, or in the service of the government miles away, most Chinese still find time to go home regularly, birthing the popular saying: "falling leaves returning to the root of the tree that sired them". The concept of family in China was so important that it was one of the few moral and ideological concepts which survived the decade – long turmoil and chaos of the Cultural Revolution relatively unharmed. While most Chinese elders regret the fact that young adults born in the 1980s or later possess no

[33] https://family:lovetoknow.com visited on 22/5/2019
[34] https://people.housestuffworks.com visited on 22/5/2019

[35] www.quora.com visited on 22/5/2019
[36] A foremost Chinese Teacher, Politician and Philosopher of the Spring and Autumn period of Chinese history

clear moral compass or strong standards of behavior, all Chinese are conscious of the importance of the family.[37]

The Chinese family structure remains both hierarchical and rigid, with elders still receiving the biggest quantum of obedience, respect and reverence, a custom that has survived into the modern age. While Confucious did a lot of admonition in this regard, he never preached blind obedience. Throughout Chinese history till today, many grandparents and parents still demand total obedience from their grandchild and children.

Traditionally, each family member has a specific form of address in Chinese, with different forms of address for older and younger brothers, sisters, aunts, uncles grandfathers and grandmothers, in both the maternal and paternal sides of a family.[38] While this may seem cumbersome to the westerner, it remains very important to the Chinese family structure. It is important to all Chinese families, to show the appropriate quantum of reverence and respect to the appropriate members of the family. For instance, a father's elder brother is and will naturally take precedent over his younger brother.

There are also distinct terminologies to differentiate the two, both to outsiders and the members of the family. These terminologies also teach about the place of a girl within the traditional Chinese family set up. Many of the terms for family members on the maternal wing start with the prefix "wai" which means "outside". This buttresses

[37] www.chineserecorner.com visited on 22/5/2019
[38] ibid

that fact that Chinese women are still deemed to be outsiders, even after marrying into new homes.[39]

FAMILY SIZE – NIGERIA AND CHINA

In Nigeria having many children is fashionable. It is also a status symbol. This ultimately brings a huge economic burden.[40]. Hence, the national fertility rate is estimated at 6.31 children per woman in 1995. The birth rate is 43. 26 births per 1,000. The death rate is 12 deaths per 1,000 population.[41]

A unique feature of the Nigerian family is the existence of a loose matrilineage. Some households are headed by women. This is due to divorce of widowhood. The women may also be outside wives. [42] These are women who function as wives to married men, who live with their first wives and have extra wives or concubines outside their homes. These men are itinerant.

They spend nights, sleeping with their partners and assisting them financially. These other wives use the surname of their husbands" and in most cases known to the man's extended family and even the original wife.[43] The Nigerian legal system has also provided ways of accommodating such women and their children.[44] Hence, in many of Nigeria's cultures, there is no such status as illegitimate child.

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[39] ibid
[40] www.family.jrank.org visited on 22/5/2019
[41] ibid
[42] Polygamy
[43] ibid
[44] Section 42 (2) of the Constitution of the Federal Republic of Nigeria (CFRN) 1999 (as amended) which provides that "No citizen of Nigeria shall be subjected to any disability or deprivation, merely by the reason of the

circumstances of his birth”.

Nigerian families are also fond of using the word ‘uncle’ loosely, when referring to all older male relations and non-relations. In the same vein, older female relatives and non-relatives are termed “aunty”. Women above forty-five years old are loosely called “mummy”, while men who are around age fifty are called “daddy”. Irrespective of their ages, people of higher social status are addressed as sir and madam. This is clearly based on the traditional cultural deference to elders or superiors, which is very important to most Nigerian cultures.[45]

Family consanguinity is very important to most parts of Nigeria. Hence, people have fourth, fifth, sixth or even seventh cousins. Nigerians often refer to people from their village or town as brothers and sisters. Associations are also created and sustained, to perpetuate the linkage.[46]

Due to migration, urbanization and its attendant economic factors however, the nuclear family is gradually becoming the dominant family type. However, Nigerians still keep in touch and are still there for the members of their extended family. This is in line with the saying of being “our brother’s keepers.”[47] A prominent aspect of life to the Chinese is the family. Most of their cultural and traditional valves as well as most of the teachings of Confucious are centered around the family.[48]

[45] ibid
[46] ibid
[47] ibid
[48] ibid

That the traditional Chinese family system, is very large and communal in nature has been highlighted in this paper. This encouraged an astronomical growth of the Chinese population, over the decades. With a population of over 1.4billion people, China is undoubtedly the most populous country of the world.[49]

ONE CHILD POLICY

After a decade long two-child policy, China began her one child policy in 1979. It is the world's most extreme example of population planning. [50] This was a way of curtailing the country's population explosion. It simply means a couple can only have a single child. The major exception ab initio is if both parents have no siblings. The policy was modified in the mid 1980s, to allow rural parents have a second child, if the first was a daughter. It lasted 3 more decades before its abolition in 2015. The policy also allowed exceptions for ethnic minorities. The one-child policy is thus a misnomer, since nearly half of Chinese parents were allowed to have a second child between 1979 – 2015 when it was in force.

In 2013, a survey by the National Health and Family Planning Commission established that about half of eligible Chinese couples wish to have two children, mostly because of the cost of living impact of a second child.[51] Following the third Plenum of the 18th Central Committee of the Chinese Communist Party, China

[49] N. 40

[50] Scharping Thomas (2003). Birth Control in China. 1949-2000: Population Policy and Demographic Development. London: Routledge

[51] Levin, Dan (25th February, 2014). "Many in China Can Now Have A Second Child, but say NO." The New York Times Retrieved 26th February, 2014.

announced the decision to relax the one-child policy. Under the new regime, families could have two children, if one parent, rather than both parents, was an only child. [52] In October 2015, Xinhua the Chinese news agency announced the decision of the government to abolish the one-child policy, now allowing all families to have two children. According to the former Wall street Journal Reporter, Mei Fong, "The reason China is doing this right now is because they have too many men, too many old people, and too few young people. They have this huge crushing demographic crisis, as a result of the one-child policy. And if people don't start having more children, they are going to have a vastly diminished workforce to support a huge aging population".[53]

SIMILARITIES

The practice of respect and reverence for elders is deeply rooted in both the Nigerian and Chinese family institutions. The two systems are also both Patrilineal and Patriarchal. There is also this loose reference to cousins and distant cousins as brothers and sisters. Uncles and aunts are also used for all older relatives, and "daddy" and "mummy" for those within the relevant age bracket. One can almost conclude that the terms cousins, uncles and aunts are alien to both the Nigerian and Chinese family institutions.

[52] China Reforms: One-Child Policy to be relaxed .U.K:BBC, 15th November 2013, retrieved on 5th December, 2013.
[53] Fong, Mei (15th October, 2015), "China One-Child Policy" National Geographic.

DIFFERENCES

A major difference in the two climes is the limitation on the number of children the law permits the couple to have. While there is no law stipulating such in Nigeria, the Chinese have been hovering between their one-child and two-child policies for decades. The traditional Chinese family is also a lot more broader and encompassing than its Nigerian counterpart. The Chinese system is also more Patrilineal and Patriarchal that what is obtainable in Nigeria.

CONCLUSION

The importance of the family institution to any human society and in fact the entire human race cannot be over emphasized. It is interesting to note that both the Nigerian and Chinese family systems are still holding on to their traditional values of respect and reverence for elders as well as their broad family systems, which goes beyond their immediate family. These are in spite of the inherent differences in the two systems as well as the massive urbanization which the two countries have experienced over the years.